

MS APPEAL BRIEF - PATENTS

PATENT

2257-0194P

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IN THE U. S. PATENT AND TRADEMARK OFFICE

In re application of

Before the Board of Appeals

Kazuo ENMOTO et al.

Appeal No.:

Appln. No.: 09/915,503

Group: 2831

Filed: July 27, 2001

Examiner: H. Ngo

Conf. 6759

For: ELECTRONIC DEVICE

Letter in Response to Notification of Non-Compliance

Assistant Commissioner for Patents
Washington, DC 20231

November 24, 2003

Sir:

In response to the Notification of Non-Compliance dated October 22, 2003, indicating that our Appeal Brief filed on July 28, 2003 was defective for failure to comply with one or more of the provisions under 37 CFR 1.192(c), we have filed an Appeal Brief which does contain a correct copy of the appealed claims as an appendix thereto. Thus, the Appeal Brief is now in compliance with 37 C.F.R. 1.192(c).

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Appln. No. 09/915,503

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1. 17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH &, BIRCH, LLP

By:  #39,491
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MKM/CJB:cb

Attachment: Appeal Brief Transmittal
 Appeal Brief with Appendix (in triplicate)



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APPEAL BRIEF TRANSMITTAL FORM

MS APPEAL BRIEF - PATENTS

Commissioner for Patents

November 24, 2003

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an Appeal Brief (in triplicate) on behalf of the Appellants in connection with the above-identified application.

- The enclosed document is being transmitted via the Certificate of Mailing provisions of 37 C.F.R. § 1.8.
- Applicant claims small entity status in accordance with 37 C.F.R. § 1.27

The fee has been calculated as shown below:

- Extension of time fee pursuant to 37 C.F.R. §§ 1.17 and 1.136(a) - \$110.00 - one (1) month (large entity) was previously submitted with the Appeal Brief filed on April 24, 2003.
- Fee for filing an Appeal Brief - \$320.00 (large entity) was previously submitted with the Appeal Brief filed on April 24, 2003.
- Check(s) in the amount of \$ is(are) attached.

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- A check in the amount of \$430.00 was previously submitted with the Appeal Brief filed on April 24, 2003.
- Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this sheet is attached.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By Michael K. Mutter A 39,491
for Reg. 29,680

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Falls Church, VA 22040-0747
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Attachment(s)



PATENT
2257-0194P

IN THE U.S. PATENT AND TRADEMARK OFFICE

In re application of

Kazuo ENMOTO, et al.

Before the Board of Appeals

Appeal No.:

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Before the Board of Appeals

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PATENT
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IN THE U.S. PATENT AND TRADEMARK OFFICE

In re application of

Kazuo ENMOTO, et al.

Appl. No.: 09/915,503

Filed: July 27, 2001

For: FILM ACOUSTIC WAVE DEVICE AND ITS
MANUFACTURING METHOD AND CIRCUIT DEVICE

Before the Board of Appeals

Appeal No.:

Group: 2831

Examiner: H. NGO

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BRIEF FOR APPELLANT

Assistant Commissioner for Patents
Washington, D.C. 20231

November 24, 2003

Sir:

This appeal is from the decision of the Examiner dated September 24, 2002, finally rejecting claims 1-7, 9, 10, and 21 which are reproduced as an Appendix to this brief. This brief is being filed in triplicate with the requisite fee.

The commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to deposit account 02-2448.

I. **Real Party in Interest**

The named inventors have assigned their rights to the invention that is disclosed in the application and any patent that may issue therefrom to NEC-Mitsubishi Electric Visual Systems Corporation, as recorded in the Patent and Trademark Office at Reel 012027, Frame 0093.

II. Related Appeals and Interferences

To the best of the knowledge of the undersigned, there are no other appeals or interferences known to the Appellants, the Appellants' representatives, or the above noted assignee that will directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

III. Status of the Claims

Claims 1-7, 9, 10 and 21 are currently pending in the application. Claims 8, 11-20 and 22 have been withdrawn from consideration. Claims 1-7, 9, 10 and 21 are rejected and the subject of the appeal. Claims 1 and 5 are the sole independent claims of the subject of the appeal.

IV. Status of Amendments

An after final amendment was filed on December 19, 2001, but was not entered by the Examiner.

V. Summary of the Invention

The present invention pertains to an outer covering for an electronic device, such as a CRT display monitor, and also functions as an electromagnetic shield. The design of the electromagnetic shield allows it to be manufactured and formed easily, thus lowering production costs, while also improving the electromagnetic shielding effect. Embodiments of the present invention utilize a combination of metal foil, which is a metal member that is easily bent manually, and a metal plate, which is thicker and not easily manually bent.

The portions of the metal foil and metal plate are arranged so that the metal plate portions are positioned to desirably provide support strength for the electromagnetic shield, while the metal foil is arranged at areas which are not used as support and thus do not require such strength. In an

embodiment of the present invention, the connection points of the metal foil and the metal plate are attached by a unique arrangement in which a protrusion at the edge of the metal foil is created in such a manner to fit within a hole formed on an edge of the metal plate. An exemplary illustration of such an arrangement is shown in Fig. 3. This fitting is easily manufactured and allows for a better connection between the metal foil and metal plate, which enhances the electromagnetic shielding capabilities.

In another embodiment of the present invention, along with the connection of the metal foil and metal plate as dictated above, a metal screw is used to fasten the metal foil and metal plate more securely to each other at the connection points. This limits the possibility of the metal foil and metal plate from separating due to an unexpected event that may occur. An exemplary illustration of this arrangement is shown in Fig. 4.

VI. The Issues

Whether claims 1-7, 9, 10 and 21 are properly rejected under 35 U.S.C. § 102(b) as being anticipated by Murakami (U.S. Patent No. 5,729,441).

VII. Grouping of the Claims

For purpose of this appeal, Appellants consider claims 1, 2, 5, 6, 7 and 10 to be argued independently and to stand or fall separately. Dependent claims 3, 4, 9 and 21 stand or fall with the independent claim from which they depend.

VIII. Argument

A. The Reference Relied Upon in the Rejection

1. Murakami (U.S. Patent No. 5,729,441)

Provides and electromagnetic shielding for devices having printed circuit boards contained therein. The shielding device includes a chassis upon which

the circuit board is positioned, a covering that is placed over the chassis and a shield. The shield includes a tongue portion and a leg portion. The tongue of the shield is inserted through a slot in the chassis and positioned so that it is in contact with the circuit board. The leg portion of the shield is positioned between the long portion of the chassis and the covering. The covering, leg portion and the long portion of the chassis are sandwiched together and attached by a screw. The end portion of the tongue is thinned and shaped so as to be springy in order to keep it in contact with the printed circuit board.

B. Claims 1 and 5 are not properly rejected under 35 U.S.C. § 102(b) as being anticipated by Murakami.

A proper rejection under 35 U.S.C 102 requires each element of the claim be taught by the applied reference. MPEP 2131 states:

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. The identical invention must be shown in as complete detail as contained in the . . . claim.

Claim 1

Claim 1 recites, *inter alia*, a metal foil and a metal plate that are connected to each other, wherein at a connecting portion of the metal foil and the metal plate, a protrusion, formed by deforming the metal foil along an edge of the metal foil, is fitted into a hole formed along an edge of the metal plate.

The Examiner alleges that the metal plate is provided by the chassis (2) of Murakami. Further, the Examiner alleges that the shield (5) in Murakami is the claimed metal foil and that the combination of the two provide the claimed invention. Appellants respectfully disagree. The chassis of Murakami is made of plastic and not metal. Column 3, lines 43-46 of Murakami state, “the

exemplary electromagnetic shielding device includes a printed circuit board 1 fixedly placed on the inside bottom of a top-open rectangular chassis 2 of plastic" (emphasis added).

The device of Murakami is designed to limit the electromagnetic effects of the circuitry on the printed circuit board. Therefore, the shield is made of metal and pressed onto the circuit board to limit the electromagnetic effects at the specific printed circuit board. It is unnecessary for the chassis to be made of the more expensive metal, which may hinder the chassis performance. In contrast, the shielding device of the present invention is designed to shield from electromagnetic radiation emitting from the overall device, such as Cathode Ray Tube (CRT) device. Thus, a metal foil and metal plate combination is used to effectively provide electromagnetic shielding while reducing manufacturing costs.

Murakami, utilizes plastic in its components due to its specific shielding purpose and provides no teaching or suggestion of utilizing any other type of material. Thus, for this reason alone, the chassis cannot be said to teach the metal plate of Appellants' claimed invention. Therefore, each and every aspect of claim 1 is not taught by Murakami and thus a rejection under 35 U.S.C. § 102 is improper.

Claim 5

Claim 5 recites, *inter alia*, a metal foil and a metal plate that are connected to each other, wherein: at a connection portion of the metal foil and the metal plate, a protrusion, formed by deforming the metal foil, is formed on the metal foil, and at a position apart from the protrusion in the connecting portion, the metal foil and the metal plate are fastened to each other with a screw so that the protrusion is pressed toward the metal plate.

First, Murakami fails to disclose the use of a metal plate, as discussed above. Second, even if the chassis (2) of Murakami could be considered a metal plate, which Appellants submit it cannot, Murakami, does not provide the fastening of the metal plate and metal foil using a screw so that the protrusion on the metal foil is "pressed toward the metal plate" as recited in claim 5.

Fig. 6 of Murakami illustrates very plainly that the end portion (8a), which the Examiner alleges corresponds to Appellants' claimed protrusion, provided on the end of the tongue of Murakami only comes into contact with the circuit board.

Further, Fig. 7 of Murakami also shows the end portion (8a) of a tongue (8) pressed against the circuit board, while a protrusion (30b) of shield (30a) is touching the underside of the circuit board. The end portion (8a) does not touch the shield (30a) or chassis. A description of the protrusion (30b) and its location on the circuit board is found on column 5, lines 35-39 of Murakami.

Murakami does not teach or suggest positioning the end portion (8a) of the tongue so that it comes into contact with the chassis. Thus, even if the chassis could be considered as a metal plate, which it cannot, the end portion (8a), alleged by the Examiner to correspond to Appellants claimed protrusion, of the tongue (8) never touches the chassis. Therefore, each and every aspect of claim 5 is not taught by Murakami and thus a rejection under 35 U.S.C. § 102 is improper.

C. Features of the Dependent Claims are also not taught by Murakami

Features of the dependent claims are also not taught by the provided references for the reasons set forth above.

Claims 2 and 6 recite the protrusion being formed by rolling the edge of the metal foil. Murakami teaches the edge of the tongue to be formed so that it is springy, but does not teach rolling the edge of the metal foil.

Claim 7 recites the protrusion being formed by subjecting the metal foil to a drawing process. Murakami does not teach or suggest subjecting the shield or any other device to a drawing process.

Claim 10 recites the metal foil comprising a rib formed by bending. Murakami does not teach or suggest forming a rib on the shield or any other device, by a bending process.

Therefore, Murakami does not teach the claimed features as recited in Appellants' claimed combinations.

IX. Conclusion

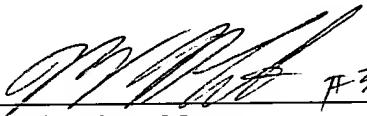
Based on the reasons set forth above, the rejection of claims 1-7, 9, 10 and 21 under 35 U.S.C. §102 should be REVERSED. As shown in the foregoing arguments, the claimed features of the present invention are not disclosed or suggested in the cited document. As such, the document does not anticipate the claimed invention. Accordingly, since the rejection of the claims is improper, reversal of the rejection is respectfully requested.

09/915,503

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. 1.16 or under 37 C.F.R. 1.17; particularly, extension of time fees.

Respectfully submitted,

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Appln. No.: 09/915,503

APPENDIX OF CLAIMS

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1. An electronic device which comprises an electromagnetic shield, said electromagnetic shield comprising:
a metal foil and a metal plate that are connected to each other, wherein at a connecting portion of said metal foil and said metal plate, a protrusion, formed by deforming said metal foil along an edge of said metal foil, is fitted into a hole formed along an edge of said metal plate.
2. The electronic device according to claim 1, wherein said protrusion is formed by rolling up said edge of said metal foil.
3. The electronic device according to claim 1, wherein said protrusion is formed by bending said edge of said metal foil.
4. The electronic device according to claim 1, wherein said metal foil and said metal plate are fastened to each other with a screw at said connecting portion.
5. An electronic device which comprises an electromagnetic shield, said electromagnetic shield comprising:
a metal foil and a metal plate that are connected to each other,

wherein: at a connecting portion of said metal foil and said metal plate, a protrusion, formed by deforming said metal foil, is formed on said metal foil, and at a position apart from said protrusion in said connecting portion, said metal foil and said metal plate are fastened to each other with a screw so that said protrusion is toward said metal plate.

6. The electronic device according to claim 5, wherein said protrusion is formed by rolling up said edge of said metal foil.

7. The electronic device according to claim 5, wherein said protrusion is formed by subjecting said metal foil to a drawing process.

9. The electronic device according to claim 1, said metal foil comprising:

 a rib formed by bending.

10. The electronic device according to claim 5, said metal foil comprising:

 a rib formed by bending.

21. The electronic device of claim 5 wherein said metal plate includes a hole for receiving said protrusion and wherein said protrusion is pressed into said hole.